

THE HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DAVID L. WELSH,

Plaintiff,

v.

METROPOLITAN LIFE INSURANCE  
COMPANY, et al.,

Defendants.

No. C04-5143 RBL

ORDER SUBSTITUTING PARTY AND  
DENYING MOTION TO AMEND  
COMPLAINT

THIS MATTER is before the court on Plaintiff's Motion to Amend Complaint. Plaintiff David L. Welsh died testate on March 21, 2010, and that Paula J. Welsh, his widow, has been duly appointed the Personal Representative of the Estate of the Plaintiff of record. Plaintiff seeks to amend the Complaint in this action to reflect that Paula Welsh has been substituted, and also to "clarify" some of the factual allegations in the original complaint, consistent with *Twombly* and other new authority regarding pleading requirements. It does not appear that he seeks to add other parties or claims. Defendants oppose amendment at this time (other than the party substitution) and deny that they have attacked the sufficiency of the Plaintiff's Complaint.

1 It is not clear to the Court why the Plaintiff seeks to amend the factual allegations if no  
2 substantive change is intended, or why the Defendants are opposed to it, if no substantive change  
3 is present. It is clear that it is too late for a substantive amendment at this time, on this record.

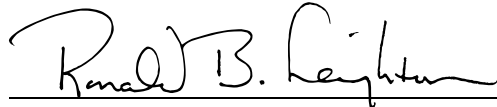
4 IT IS THEREFORE ORDERED that:

- 5 1. Paula J. Welsh, Personal Representative of the Estate of David L. Welsh and Successor,  
6 shall be substituted as Plaintiff in this action in the place of David L. Welsh, deceased, and the  
7 caption shall reflect that substitution.
- 8 2. The Motion to Amend the Complaint in any other fashion is DENIED.
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10 DATED this 28<sup>th</sup> day of May, 2010

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14 RONALD B. LEIGHTON  
15 UNITED STATES DISTRICT JUDGE

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